

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BLACK & DECKER INC. and BLACK	)	
& DECKER (U.S.) INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 06-386-GMS
	)	
TECHTRONICS INDUSTRIES CO. LTD.,	)	
ONE WORLD TECHNOLOGIES, INC.	)	
and OWT INDUSTRIES, INC.,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER REGARDING  
DEFENDANTS' MOTION TO SEVER AND TRANSFER VENUE**

Plaintiffs, Black & Decker Inc. and Black & Decker (U.S.) Inc. (collectively "Black & Decker"), and Defendants, Techtronic Industries Co. Ltd., One World Technologies, Inc. and OWT Industries, Inc. (collectively "TTI"), have conferred regarding TTI's currently pending motion to sever Black & Decker's claims regarding one of the two patents in suit and transfer those claims to the Eastern District of Wisconsin, and hereby submit the following stipulation:

1. On January 31, 2006, Milwaukee Electric Tool Corporation ("METCO") filed an action for patent infringement against Black & Decker in the Eastern District of Wisconsin entitled *Milwaukee Electric Tool Corporation v. Black & Decker (U.S.) Inc. and Black & Decker Inc.*, Case No. 06-C-0131 (the "METCO litigation").

2. In the METCO litigation, Black & Decker asserted a Counterclaim for infringement of United States Patent No. 5,998,897 ("the '897 patent") by router products manufactured, offered for sale and sold by METCO.

3. On June 14, 2006, Black & Decker filed this action against TTI for infringement of United States Patent No. 5,590,988 (the “‘988 patent”) and the ‘897 patent by router products manufactured, offered for sale and sold by TTI.

4. In TTI’s present motion to sever and transfer, TTI’s Senior Vice President, Design and Development submitted a declaration stating that the accused TTI products are “substantially similar, and in some respects identical to” the products accused of infringing the ‘897 patent in the METCO litigation, and that TTI “used the designs” of METCO in developing its accused products.

5. Based on these representations and in the spirit of cooperation, Black & Decker hereby agrees that its claims before this Court with respect to the ‘897 patent only, as set forth in the Complaint filed on June 14, 2006, shall be severed from this action and transferred to the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1404(a), subject to this Court’s approval.

6. TTI’s counterclaims before this Court with respect to the ‘897 patent only, as set forth in the Answer filed on August 28, 2006, shall be severed from this action and transferred to the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1404(a), subject to this Court’s approval.

7. Upon entry of this Court’s Order of transfer to the Eastern District of Wisconsin, Black & Decker and Techtronic’s subsidiary METCO will promptly seek to have the transferred ‘897 patent claims and counterclaims consolidated with METCO litigation under the Wisconsin court’s September 5, 2006 Scheduling Order.

8. Black & Decker's claims against TTI with respect to the '988 patent will proceed before this Court.

9. TTI's counterclaims with respect to the '988 patent will proceed before this Court.

STIPULATED AND AGREED TO:

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

MORRIS, JAMES, HITCHENS  
& WILLIAMS, LLP

*/s/ James W. Parrett, Jr.*

*/s/ Richard K. Herrmann*

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Based upon the foregoing Stipulation of the parties, IT IS HEREBY ORDERED THAT:

1. The claims for infringement of United States Patent No. 5,998,897 filed by Plaintiffs on June 14, 2006 and the related counterclaims for non-infringement and invalidity filed by Defendants are hereby severed from the remaining claims before this Court and transferred to the Eastern District of Wisconsin for consolidation with *Milwaukee Electric Tool Corporation v. Black & Decker (U.S.) Inc. and Black & Decker Inc.*, Case No. 06-C-0131.

2. The claims for infringement of United States Patent No. 5,590,988 filed by Black & Decker on June 14, 2006 and the counterclaims for non-infringement filed by Defendants shall proceed before this Court.

Date: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

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